

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Bergersen  
SERIAL NO.: 10/760,604  
FILING DATE: January 20, 2005

ATTY. DOCKET NO.: BER-P-03-060  
GROUP ART UNIT: 3732  
EXAMINER: Manahan

INVENTION: "A DENTAL APPLIANCE AND A SYSTEM AND METHOD FOR REDUCING AN AMOUNT OF PATIENT COOPERATION TO TREAT A MALOCCLUSION USING THE DENTAL APPLIANCE"

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

Submitted herewith is an Information Disclosure Statement for consideration in the above-identified application. This Information Disclosure Statement is submitted.

- \_\_\_\_ Within 3 months (1) of filing date of a national application; (2) of date of entry of the national stage as set forth in 37 CFR \$1.491 in an international application; or (3) before the mailing date of a first Office Action on the merits, whichever occurs last. (No fee is required.)
- \_\_\_\_ After the mailing date of a first Office Action but before (1) mailing of a final action under 37 CFR \$1.113; or (2) mailing of a notice of allowance under \$1.311, whichever occurs first.
- X Payment for the fee set forth in 37 CFR \$1.17(p) accompanies this submission; or
- \_\_\_\_ The certification specified in 37 CFR \$1.97(e) is made below. (No fee is required.)
- X After the mailing of (1) a final action under 37 CFR \$1.113; or (2) a notice of allowance under 37 CFR \$1.311 whichever occurs first, but before payment of the issue. The certification specified in 37 CFR \$1.97(e) is made below. The Commissioner hereby is petitioned to consider the Information Disclosure Statement accompanying this submission. Payment for the Petition fee set forth in 37 CFR \$1.17(i)(1) accompanies this submission.
- \_\_\_\_ The undersigned counsel for applicant(s) hereby certifies each item of information identified in the Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- \_\_\_\_ The undersigned counsel for applicant(s) hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application, or to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual designated in 37 CFR \$1.56(c) more than three months prior to the filing of the statement.
- X A check in the amount of \$ 180.00 to cover any required fee is enclosed.
- X The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-0595. **A duplicate of this sheet is enclosed for this purpose.**

When phoning re this application,  
please call (773) 772-6009

BRIAN M. MATTSON  
Patents+TMS, P.C.  
2849 W. Armitage Ave.  
Chicago, Illinois 60647  
Telephone: (773) 772-6009

(Reg. No. 35,018)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on May 15, 2006.

BRIAN M. MATTSON

(Reg. No. 35,018)

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USING THE DENTAL APPLIANCE"

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

In accordance with the provisions of 37 CFR §1.56, Applicant requests that citation and examination of the references identified on the attached PTO/SB/08a Forms and PTO/SB/08b Form, copies of which are enclosed herewith, be made during the course of examination of the above-mentioned application for U.S. patent. A check in the amount of \$180.00 is enclosed for the fee set forth in 37 CFR §1.17(p) for the submission of this statement. If any fees are due and owing in view of this communication, please charge Deposit Account No. 50-0595.

***A duplicate of this sheet is included for this purpose.***

**I. SUBMITTED REFERENCES**

**A. U.S. PATENTS**

<u>PATENT NO.</u>	<u>PATENTEE(S)</u>	<u>ISSUE DATE</u>
3,510,946	Kesling	May 12, 1970
3,724,075	Kesling	Apr. 3, 1973

<u>PATENT NO.</u>	<u>PATENTEE(S)</u>	<u>ISSUE DATE</u>
3,837,081	Kesling	Sep. 24, 1974
3,950,851	Bergersen	Apr. 20, 1976
4,073,061	Bergersen	Feb. 14, 1978
4,105,032	Blomstedt	Aug. 8, 1978
4,139,944	Bergersen	Feb. 20, 1979
4,370,129	Huge	Jan. 25, 1983
4,371,336	Hilleman	Feb. 1, 1983
4,396,373	Dellinger	Aug. 2, 1983
4,448,735	Huge	May 15, 1984
4,568,280	Ahlin	Feb. 4, 1986
4,580,975	Schrems et al.	Apr. 8, 1986
4,591,341	Andrews	May 27, 1986
4,784,605	Bergersen	Nov. 15, 1988
4,793,803	Martz	Dec. 27, 1988
4,799,884	Bergersen	Jan. 24, 1989
4,830,612	Bergersen	May 16, 1989
4,898,535	Bergersen	Feb. 6, 1990
4,919,612	Bergersen	Apr. 24, 1990
4,983,334	Adell	Jan. 8, 1991
4,986,751	Bergersen	Jan. 22, 1991
5,028,231	Hall	Jul. 2, 1991
5,037,294	Bergersen	Aug. 6, 1991
5,037,295	Bergersen	Aug. 6, 1991

<u>PATENT NO.</u>	<u>PATENTEE(S)</u>	<u>ISSUE DATE</u>
5,042,506	Liberati	Aug. 27, 1991
D 323,215	Bergersen	Jan. 14, 1992
5,328,362	Watson et al.	Jul. 12, 1994
5,334,218	Johnson	Aug. 2, 1994
5,338,190	Tregillis	Aug. 16, 1994
5,645,420	Bergersen	Jul. 8, 1997
5,683,244	Truax	Nov. 4, 1997
5,779,470	Kussick	Jul. 14, 1998
5,807,100	Thornton	Sep. 15, 1998
5,814,074	Branam	Sep. 29, 1998
5,816,799	Parker	Oct. 6, 1998
5,876,199	Bergersen	Mar. 2, 1999
5,882,192	Bergersen	Mar. 16, 1999
5,911,576	Ulrich et al.	Jun. 15, 1999
5,975,893	Chishti et al.	Nov. 2, 1999
6,129,084	Bergersen	Oct. 10, 2000
6,183,248	Chishti et al.	Feb. 6, 2001
6,247,926	Thornton	Jun. 19, 2001
6,299,440	Phan et al.	Oct. 9, 2001
6,302,686	Chott et al.	Oct. 16, 2001
6,454,565	Phan et al.	Sep. 24, 2002
6,505,625	Uenishi	Jan. 14, 2003
6,572,372	Phan et al.	Jun. 3, 2003

<u>PATENT NO.</u>	<u>PATENTEE(S)</u>	<u>ISSUE DATE</u>
6,582,225	Bergersen	Jun. 24, 2003

**B. U.S. PATENT APPLICATION PUBLICATION**

<u>PUBLICATION NO.</u>	<u>APPLICANT(S)</u>	<u>PUB'N DATE</u>
2002/0187451A1	Phan et al.	Dec. 12, 2002
2003/0225594A1	Bergersen	Dec. 4, 2003

<u>PUBLICATION NO.</u>	<u>APPLICANT(S)</u>	<u>PUB'N DATE</u>
2003/0224312A1	Bergersen	Dec. 4, 2003
2003/0224313A1	Bergersen	Dec. 4, 2003
2003/0224314A1	Bergersen	Dec. 4, 2003
2004/0058295A1	Bergersen	Mar. 25, 2004
2004/0052032A1	Bergersen	Aug. 5, 2005
2005/0037311A1	Bergersen	Feb. 17, 2005

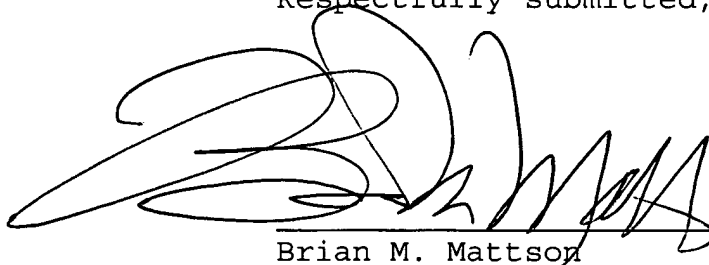
**C. INTERNATIONAL PATENT APPLICATIONS  
FILED UNDER THE PCT**

<u>INT'L APPLICATION NO.</u>	<u>APPLICANT(S)</u>	<u>FILING DATE</u>
PCT/US98/008981	Hultgren et al.	Jul. 30, 1998
PCT/US03/16725	Bergersen	May 28, 2003
PCT/US03/16733	Bergersen	May 28, 2003
PCT/US03/17163	Bergersen	May 30, 2003
PCT/US03/17196	Bergersen	May 30, 2003
PCT/US03/29667	Bergersen	Sep. 19, 2003
PCT/US03/29662	Bergersen	Sep. 19, 2003

## II. REMARKS

In view of the foregoing, Applicant submits that all of the claims in the application are patentably distinguishable over the teachings of the above references, taken singly or in combination. Early consideration of the application is, therefore, requested.

Respectfully submitted,

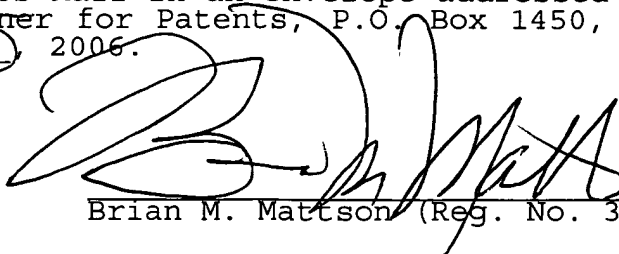


(Reg. No. 35,018)

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A Professional Corporation  
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Chicago, IL 60647  
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ATTORNEY FOR APPLICANT

## CERTIFICATE OF MAILING

I hereby certify that this **INFORMATION DISCLOSURE STATEMENT, FORMS PTO/SB/08A, FORM PTO/SB/08B, CHECK FOR \$180.00 and RETURN RECEIPT POSTCARD** are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 18, 2006.



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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 3

### Complete if Known

Application Number	10/760,604
Filing Date	January 20, 2005
First Named Inventor	Bergersen
Art Unit	2732
Examiner Name	Manahan
Attorney Docket Number	BER-P-03-060

### U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 3,510,946	05-12-1970	Kesling	
		US- 3,724,075	04-03-1973	Kesling	
		US- 3,837,081	09-24-1974	Kesling	
		US- 3,950,851	04-20-1976	Bergersen	
		US- 4,073,061	02-14-1978	Bergersen	
		US- 4,015,032	08-08-1978	Blomstedt	
		US- 4,139,944	02-20-1979	Bergersen	
		US- 4,370,129	01-25-1983	Huge	
		US- 4,371,336	02-01-1983	Hilleman	
		US- 4,396,373	08-02-1983	Dellinger	
		US- 4,448,735	05-15-1984	Huge	
		US- 4,568,280	02-04-1986	Ahlin	
		US- 4,580,975	04-08-1986	Schrems et al.	
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		US- 4,793,803	12-27-1988	Martz	
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		US- 4,830,612	05-16-1989	Bergersen	
		US- 4,898,535	02-06-1990	Bergersen	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		PCT/US98/08981	06-30-1998	Hultgren et al.		
		PCT/US03/16725	05-28-2003	Bergersen		
		PCT/US03/16733	05-28-2003	Bergersen		
		PCT/US03/17163	05-30-2003	Bergersen		
		PCT/US03/17196	05-30-2003	Bergersen		
		PCT/US03/29667	09-19-2003	Bergersen		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2

of 3

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Application Number	10/760,604
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		US- 4,986,751	01-22-1991	Bergersen	
		US- 5,028,231	07-02-1991	Hall	
		US- 5,037,294	08-06-1991	Bergersen	
		US- 5,037,295	08-06-1991	Bergersen	
		US- 5,042,506	08-27-1991	Liberati	
		US- D323,215	01-14-1994	Bergersen	
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		US- 5,334,218	08-02-1994	Johnson	
		US- 5,338,190	08-16-1994	Tregillis	
		US- 5,645,420	07-08-1997	Bergersen	
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SignatureDate  
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		US- 6,505,625	01-14-2003	Uenishi	
		US- 6,572,372	06-03-2003	Phan et al.	
		US- 6,582,225	06-24-2003	Bergersen	
		US- 2002/0187451A1	12-12-2002	Phan et al.	
		US- 2003/0225594A1	12-04-2003	Bergersen	
		US- 2003/0224312A1	12-04-2003	Bergersen	
		US- 2003/0224313A1	12-04-2003	Bergersen	
		US- 2003/0224314A1	12-04-2003	Bergersen	
		US- 2004-0058295A1	03-25-2004	Bergersen	
		US- 2004/0052032A1	08-05-2005	Bergersen	
		US- 2005/0037311A1	02-17-2005	Bergersen	

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<p>Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.</p> <p>Substitute for form 1449/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p><i>(Use as many sheets as necessary)</i></p>				<b>Complete if Known</b>	
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				First Named Inventor	Bergersen
				Art Unit	3732
				Examiner Name	Manahan
				Attorney Docket Number	BER-P-03-060
Sheet	1	of	1		

[illegible]

Examiner Signature		Date Considered	
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